

NOTICE OF INDEPENDENT REVIEW DECISION

September 25, 2002

RE: MDR Tracking #: M2-02-1107-01
IRO Certificate #: 4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ___ physician reviewer who is board certified in orthopedic surgery which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This 54 year old female sustained a work related injury on ___ when she bent over to mop under a patient's bed and developed severe pain in the right leg and thigh. The patient has been diagnosed with herniated nucleus pulposus (HNP) at L5-S1, right side (absent ankle jerk) and radiculopathy. The patient underwent an MRI that was suggestive of degenerative changes and HNP at L2-L3 disc on the left, without clinical finding to correlate with the MRI findings. An EMG performed on 04/17/02 was suggestive of para-spinal muscle denervation at the L2-L3 level.

Requested Service(s)

Lumbar discogram with CT scan

Decision

It is determined that the lumbar discogram with CT scan is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

This patient is a candidate for spinal surgery. The mechanism of her injury is compatible with increased intradiscal presence and the acute onset of symptoms. There are physical findings of an absent ankle jerk, positive straight leg raises on the right and positive MRI results. In addition, there are confusing issues regarding abnormalities at spinal levels L2-L3, HNP toward the left, and a mention of spinal instability at L5-S1. It is appropriate to obtain a pre-operative discogram for diagnostic purposes in order to identify the pain generators. Therefore, it is determined that the lumbar discogram with CT scan is medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,